



## A Guide to City Services: **PLANNING AND ZONING DIVISION**



### TABLE OF CONTENTS:



### From your City to you

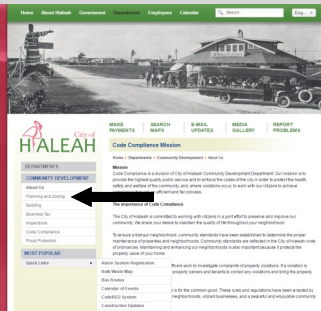
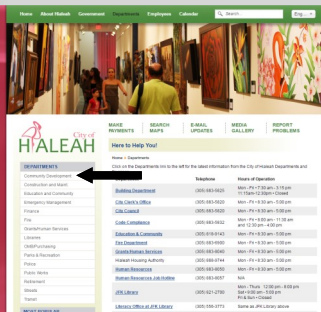
GENERAL INFORMATION	2
DIRECTORY of CONTACTS	3
SITE PLAN and CONCURRENCY REVIEW	4
PLATTING	6
FINAL DECISIONS	7
VARIANCES, RE-ZONING, SPECIAL USE PERMITS, CONDITIONAL USE PERMITS	8
OTHER SERVICES	10






This guide was produced to better inform residents on how the Hialeah Planning and Zoning Division operates. It is intended to be an easy-to-use manual that highlights the services most often used by the residents. To locate the area of interest to you, look in the Table of Contents. We hope this guide will be beneficial.



## Things to keep in mind...

Visit us for information and applications on the web:  
[www.HialeahFL.gov](http://www.HialeahFL.gov)



-  It is advisable to meet with the PLANNING & ZONING DIVISION prior to applying for a variance, adjustment, rezoning, before preparing plans for a development or redevelopment, and before deciding to establish a business at an existing site. If necessary, an appointment can be arranged with the Planning and Zoning Official. It is important to discuss your proposed development with the PLANNING & ZONING DIVISION because while certain uses may be allowed in a particular zoning classification, the layout or location may not be suitable for your proposed or intended use.
-  For all plans review and processing, if the applicant is not the Property Owner, then the applicant must have a notarized authorization letter from the owner and all forms must be signed by the Property Owner and notarized or witnessed as necessary.
-  Please provide accurate and current documentation. Surveys are considered outdated after six months.
-  The zoning classification of properties within the city can be searched online at [www.hialeahfl.gov](http://www.hialeahfl.gov) Search Maps/Zoning Application.
-  Zoning forms and applications can be found online at [www.hialeahfl.gov/Departments/Community Development/Planning & Zoning/Important Forms](http://www.hialeahfl.gov/Departments/Community Development/Planning & Zoning/Important Forms).

**Disclaimer:** All information contained in this manual is current to the date of publication. This guide does not supersede the City of Hialeah Code of Ordinances or any other applicable law.

## **Hialeah City Services**

### **City of Hialeah - City Hall**

501 Palm Avenue  
Hialeah, FL 33010

**Planning and Zoning Division**, City Hall, 2<sup>nd</sup> Floor  
Debora Storch, Planning and Zoning Official  
(305)883-5825

**Building Division**, City Hall, 2<sup>nd</sup> Floor  
Alexis Riveron, Building Official  
(305)883-5825

**Office of the City Clerk**, City Hall, 3<sup>rd</sup> Floor  
Marbelys Fatjo, City Clerk  
(305)883-5820

**City Council Chambers**, City Hall, 3<sup>rd</sup> Floor

**Code Compliance Division**, City Hall, 1<sup>st</sup> Floor  
Violeta Blanco, Code Compliance Official  
(305)375-2901

**Local Business Tax Division** (Formerly Occupational License) City Hall, 1<sup>st</sup> Floor  
Ruben Suarez, Business Tax Official  
(305)883-5890

### **Public Works Department**

Armando Vidal, Public Works Director  
3700 West 4<sup>th</sup> Avenue, Hialeah, FL 33012  
(305)556-3800

### **Departments of Streets**

Jose Sanchez, Streets Director  
5601 East 8th Avenue  
Hialeah, FL 33013  
(305)687-2611

### **Parks & Recreation**

Joe Dziedzic, Parks & Recreation  
Director  
900 East 56th Street  
Hialeah, FL 33013  
(305)687-2650

### **Construction & Maintenance**

Vicente Rodriguez, Construction  
& Maintenance Director  
900 East 56th Street  
Hialeah, FL 33013

## **Miami-Dade County Services**

### **Department of Environmental Resources Management**

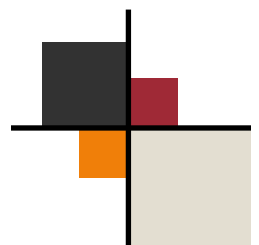
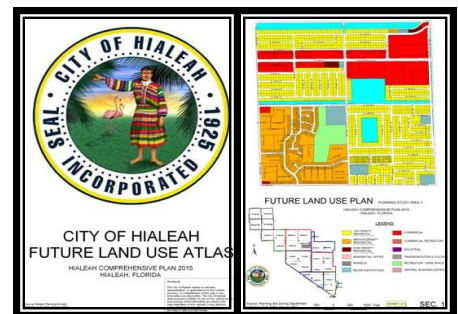
(DERM) Hialeah Branch, City Hall, 2<sup>nd</sup> Floor  
(305)492-2004(For Local Business Tax Receipt Applications ONLY)

### **Department of Environmental Resources Management (DERM)**

(For zoning permit plans)  
11805 SW 26th Street (Coral Way)  
Miami, Florida 33175  
General Information: 786-315-2000

### **Water and Sewer Department (WASD)**

(305) 665-7488



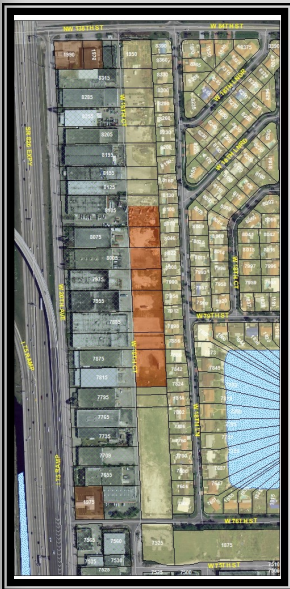
## **SITE PLAN REVIEW**

### **What is the SITE PLAN REVIEW process and when does it apply?**

A site plan is a drawing that depicts the intensity, density, height and setbacks of a proposed project to the site itself, along with parking, drainage, landscaping, sidewalk and other site construction details. A site plan may be required to determine whether a proposed development complies with the city's regulations as reflected in the city's code of ordinances.

The site plan should show the existing and proposed conditions on the lot (s) including all uses on the site, building footprints, heights, drainage, driveways, landscaping, parking, screening, setbacks, sidewalks, topography, utilities, vegetation and any other information required to determine compliance with all applicable regulations.

In addition to the land use and zoning issues related to a proposed project, access issues are also addressed at the site plan review stage. Access issues may include a range of factors for review such as the layout of proposed driveways, the number of parking spaces, handicap accessibility, the ability of a project to meet recommended traffic circulation standards, and potential traffic impacts such as the estimated number of trips per day a proposed use is estimated to generate. Storm water retention and environmental review are also part of the site plan process. Meeting the City's landscaping ordinance, identifying protected trees, engineering and related drainage concerns, are integral to the process, and are specific elements reviewed at this stage. The sufficiency and delivery of city services as well as safety concerns are other components of site plan review. For example, with regard to fire safety, site plan review should consider whether fire trucks will be able to reach a site quickly or whether fire trucks will be able to park in the proposed site to serve the building in an emergency. These are some important safety concerns that are considered at this stage.



### **What is the CONCURRENCY REVIEW process and when does it apply?**

In most cases, proposed new construction, additions to existing buildings or conversions of existing buildings are required to go through concurrency review as a part of the development approval process. The purpose of the concurrency review is to determine whether there is enough capacity on the roadway network and in other public facilities to handle the impacts of a proposed project. In addition, through the concurrency review, a portion of the available capacity in the public facilities is reserved for the proposed project.

### **Please Note:**

An applicant should expect Concurrency and Site Plan Review Process to take no less than six weeks.

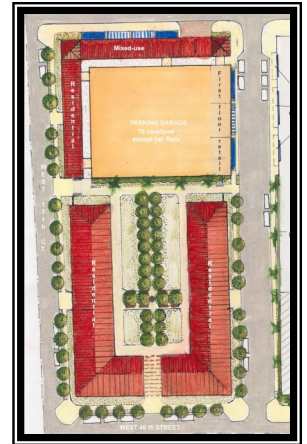
## **SITE PLAN REVIEW**

### **What are the steps in the SITE PLAN & CONCURRENCY REVIEW Processes?**

1. Submit three sets of plans and corresponding fees to the PLANNING AND ZONING DIVISION. Make sure to include all the required documents and information requested in the SITE PLAN REVIEW REQUIREMENTS information page, available at the front counter in the PLANNING AND ZONING DIVISION. Plans will be stamped and assigned a process number. Please Note: New construction, additions to existing buildings, change of use in existing buildings and some particular uses are required to go through Concurrency Review along with Site Plan Review. If required, a Sewer Capacity Certification Letter Application must be obtained. The Application is available at the front counter in the PLANNING AND ZONING DIVISION.

If a Sewer Capacity Certification Letter is required:

- A. Submit a complete application to the City of Hialeah's Water & Sewer Department located at 3700 West 4<sup>th</sup> Avenue and request that the Department complete Section 2 of the application.
- B. Submit the Application to the Miami Dade County's Department of Environmental Resources Management (DERM) for an ALLOCATION Letter.
- C. Once you receive the ALLOCATION Letter, visit Miami-Dade County's Water and Sewer Department (WASD) to pay impact fees.
- D. DERM-stamped plans and all receipts must be submitted to the PLANNING AND ZONING DIVISION for review by all applicable City Departments.



2. Applicant shall take plans to all appropriate departments for review. These departments are Fire Department, Flood Criteria Review, Streets Division, Stormwater Division, Solid Waste Division, Parks & Recreation Department, and Construction and Maintenance Department.

3. Once all departments give final approval, the applicant shall bring back the plans to the Planning & Zoning Division.

4. The PLANNING AND ZONING DIVISION will keep one copy of the approved Site Plan for its records and the remaining two copies are returned to the applicant to be used as the Job and Office Copies when filing Building Division Permit Applications.



## **THE PLATTING PROCESS**

### **What is the PLATTING PROCESS?**

The Platting Process is a process that allows for the subdivision of a property. This grants the new parcel of land its own folio number and legal description to be registered with Miami-Dade County. This process averages three-to-nine months to complete.

### **What do I need to do as part of the PLATTING PROCESS?**

1. Owner or Authorized Representative must turn in a complete APPLICATION FOR PLAT OF SUBDIVISION DEVELOPMENT (available at PLANNING AND ZONING DIVISION) to the PLANNING AND ZONING representative.
2. Planning staff will take proposed platting for reviews to City Departments (Streets, Parks and Recreation, Fire, Police, Planning and Zoning). A Zoning representative will contact applicant throughout the process to inform the applicant of any missing documents or special requests as it pertains to each individual case. Once ready, the tentative plat goes to the PLANNING AND ZONING BOARD for approval.
3. Once approved, the tentative plat is then submitted to Miami-Dade County for approval and it is issued a T-Plat number. The county will schedule a hearing for plat review. Once approved, the County will contact the property owner's surveyor, who will need to prepare a Mylar for the final plat. The city surveyor then reviews the final plat, makes comments, and advises applicant of the required changes that need to be made, if necessary, to comply with state regulations. Once City surveyor approves final plat, city departments are next to review for final approval.
4. Final Plat goes before the City's PLANNING AND ZONING BOARD for its review. The Final Plat has two readings before CITY COUNCIL before final approval by ordinance.
5. If the final plat is denied, the applicant has the right to modify the request and re-apply, or has the right to appeal to the 11<sup>th</sup> Circuit Court, Miami-Dade County, Appellate Division.
6. The property owner's surveyor must take the Final Plat with a certified copy of the ordinance to Miami-Dade County for recording. A copy of the recorded plat needs to be submitted to the PLANNING AND ZONING DIVISION so that the applicant can proceed with the applicant's building permit request.



**NOTE:** Since this is a lengthy process (6 to 9 months), the property owner may request a temporary waiver of plat to be able to process building permits while the plat is in process.

Concurrency Review and Building Permit processing can now start.

## **FINAL DECISIONS**

In certain cases where literal interpretation and strict enforcement of zoning and land use regulations on required setbacks would result in undue or unnecessary hardship to the property owner, the property owner has the right to petition for an adjustment. In order to grant an adjustment, the PLANNING AND ZONING BOARD and CITY COUNCIL must review the petition and make a determination.

### **What is a FINAL DECISION?**

When new construction, additions or legalizations do not meet the setbacks required by law, the property owner can petition the PLANNING AND ZONING BOARD for an exception. The PLANNING AND ZONING BOARD issues final decisions on petitions for setback adjustments as provided by city code. The City Council reviews the final decision de novo and if upheld, a resolution is adopted.

### **What is the public hearing process for FINAL DECISIONS?**

Begin by completing an application for a FINAL DECISION available in the PLANNING AND ZONING DIVISION or online at: <http://www.hialeahfl.gov/Departments/Community Development/Planning & Zoning/Important Forms>

1. Submit the complete application together with all required materials and copies to the Planning and Zoning Division. A Zoning representative will contact the applicant throughout the process to inform the applicant of any missing documents or specific requests to supplement the application, on a case-by case basis. A hearing date before the PLANNING AND ZONING BOARD AND CITY COUNCIL to hear the petition will be set after verification that all the necessary information is on file.

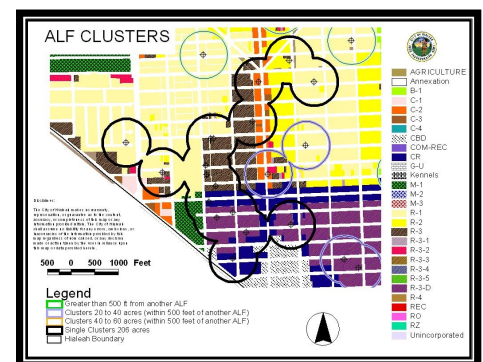
The PLANNING AND ZONING BOARD meets every second and fourth Wednesday of the month, except for recess in July, at 7:00 p.m. in the City Council Chambers on the 3<sup>rd</sup> Floor of City Hall.

2. The Planning staff prepares a report and recommendation for consideration by the PLANNING AND ZONING BOARD when making its final decision. The report generally details the conditions on the property and its development history, the proposed improvement, the requirements of the zoning code in light of the proposed improvement, the nature of the request, its impact on neighboring properties and an opinion or recommendation on whether the petition should be granted or denied.

The CITY COUNCIL meets every second and fourth Tuesday of the month, except for recess in July, at 7:00 p.m. in the City Council Chambers on the 3<sup>rd</sup> Floor of City Hall.

3. The PLANNING AND ZONING BOARD reviews the application and report and recommendation made by the Planning staff and hears testimony and receives any additional evidence in support or against the application at the hearing. The PLANNING AND ZONING BOARD makes a final decision which is later ratified by resolution by the City Council, if the City Council agrees with the final decision.

4. The City Council holds the first and only reading of the resolution upholding the PLANNING AND ZONING BOARD'S final decision unless Council overturns the PLANNING AND ZONING BOARD'S final decision acting in its review capacity.



## **VARIANCES, RE-ZONING, SPECIAL USE PERMITS, CONDITIONAL USE PERMITS**

### **What is a VARIANCE?**

When new construction, additions, or legalizations do not meet lot coverage, setbacks, distance separation, dimensions, landscaping, green area, or parking, required by law, the property owner can request a variance. VARIANCES require consideration by the PLANNING AND ZONING BOARD and two readings before the CITY COUNCIL. Zoning VARIANCES are granted by Ordinance.

### **What is a SPECIAL USE PERMIT?**

When a proposed use, because of its inherent nature, extent, and external effects is not appropriate for a particular zoning district, it might be allowed, if on review specific conditions may be imposed to ensure it is located, designed and operated in a manner that is in harmony with neighboring development and does not adversely affect the public health, safety and general welfare, through a SPECIAL USE PERMIT. SPECIAL USE PERMITS require consideration by the PLANNING AND ZONING BOARD and two readings before the City Council. SPECIAL USE PERMITS are granted through an Ordinance.

### **What is a CONDITIONAL USE PERMIT?**

Certain uses permitted within a particular zoning district that are deemed to have extraordinary impacts with the surrounding area require a CONDITIONAL USE PERMIT. These uses are identified in the city code. The following are the uses that require a CONDITIONAL USE PERMIT: cemeteries, community correctional centers or prisons, public garages (lots and/or structures), funeral homes, hospitals, houses of worship, hotels and motels, childcare facilities on properties zoned R-1, private, charter, vocational and technical schools, post-secondary educational facilities, colleges and universities. CONDITIONAL USE PERMITS require consideration by the PLANNING AND ZONING BOARD and two readings before the CITY COUNCIL. CONDITIONAL USE PERMITS are granted through an Ordinance that follows the subject property, regardless of ownership.



### **What is RE-ZONING?**

RE-ZONING is the reclassification of a property from one zoning classification to another, compatible with the existing land use designation. The rezoning of a parcel may be required if the owner wishes to utilize the property for a use that is not permitted in the current zoning classification, but is permitted in another zoning classification. For example, a property that has commercial land use and C-1 zoning might be re-zoned to C-2 to allow a use not allowed in C-1. RE-ZONINGS require consideration by the PLANNING AND ZONING BOARD and two readings before the CITY COUNCIL. RE-ZONINGS are granted through an Ordinance.

## What is the public hearing process for VARIANCES, RE-ZONING, SPECIAL USE PERMITS, and CONDITIONAL USE PERMITS?

The public hearing process for VARIANCES, RE-ZONING, SPECIAL USE PERMITS and CONDITIONAL USE PERMITS is similar to process for FINAL DECISIONS except that the PLANNING AND ZONING BOARD hears the petition and makes a recommendation to approve or deny the petition to the CITY COUNCIL. The CITY COUNCIL is the final adjudicating body and approves petitions by ordinance. Approval by ordinance means that the Council must hear the item twice.

Begin by completing an application available in the PLANNING AND ZONING DIVISION or online at: [http://www.hialeahfl.gov/Departments/Community Development/Planning & Zoning/Important Forms](http://www.hialeahfl.gov/Departments/Community%20Development/Planning%20&%20Zoning/Important%20Forms).

Then, steps 1, 2, and 3 in the public hearing process are the same as for FINAL DECISIONS described above.

The City Council holds the first reading of the ordinance at the first regular meeting of the CITY COUNCIL after the PLANNING AND ZONING BOARD makes its recommendation.

If approved, the City Council holds second reading and public hearing at the next City Council meeting. If approved on second reading, ordinance is sent to the Mayor for final approval. The Mayor has the power to sign the ordinance, withhold his signature or veto the ordinance. If denied, the applicant has the right to modify the request and re-apply if the item has been recommended for denial by the Planning & Zoning Board and also denied by the City Council, or has the right to appeal to the 11<sup>th</sup> Circuit Court, Miami-Dade County, Appellate Division.

### **NOTICE OF PUBLIC HEARING**

TO BE HELD IN THE 3RD FLOOR COUNCIL CHAMBERS OF CITY HALL, 501 PALM AVENUE, HIALEAH, ON WEDNESDAY, JUNE 14, 2017 AT 7:00P.M.,  
TO CONSIDER:

Rezoning from R-2 (One and Two Family Residential District) to R-3-3 (Multiple Family District) and consider granting a variance permit to allow a lot coverage of 32.4% (maximum of 30% required), pervious area of 20.68% (minimum of 30% required); allow a front setback of 10.59' (25' required), north side setback of 7' (10' required) and rear setback of 9.98' (20' required).

Applicant: Cesar Mestree, Esq.  
Location: 2400 West 5 Way, Hialeah.

INTERESTED PERSONS SHOULD ATTEND. FOR FURTHER INFORMATION,  
CALL: (305)883-8075 OR (305)883-8076 FAX: (305)492-1218  
CITY OF HIALEAH PLANNING AND ZONING DIVISION

#### **Important Note:**

Remember that the approval of a FINAL DECISION, VARIANCE, REZONING, SPECIAL USE PERMIT, OR CONDITIONAL USE PERMIT, is generally, only the first step of the process. Once the FINAL DECISION, VARIANCE, REZONING, SPECIAL USE PERMIT, OR CONDITIONAL USE PERMIT is granted, the applicant should apply for a Building permit.



This guide has been possible thanks to the dedication of our summer college intern (Jessica Artiles, MIT), the cooperation of the Planning and Zoning Division staff and the valuable input of the Law Department.

~Debora Storch,  
Planning & Zoning Official



### **Other services provided by the PLANNING AND ZONING DIVISION:**

- ◆ Walk-in and over-the-phone public assistance on Planning and Zoning issues.
- ◆ Zoning verification letters.
- ◆ Pre-application conferences.
- ◆ Extended Family Living Quarters processing.
- ◆ Condominium Conversion acknowledgment letters.
- ◆ Land Use Map Amendments (Annual cycle, applications are received exclusively during the month of January)
- ◆ Alcoholic Beverages Licenses (Zoning verification on state forms).
- ◆ Landscape and Irrigation Recertification